UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

JOSHUA G. STEGEMANN,

Plaintiff,

v. 1:15-CV-21

RENSSELAER COUNTY SHERIFF'S OFFICE, et al.,

Defendants.

DECISION & ORDER

Thomas J. McAvoy, Senior District Judge.

This *pro se* civil rights action pursuant to 42 U.S.C. § 1983, <u>Bivens v. Six Unknown</u> <u>Federal Narcotics Agents</u>, 403 U.S. 388 (1971), and other federal and state statutes, alleges violations of Plaintiff's rights in a search and seizure of his property by agents during a drug raid. The matter was referred to Christian F. Hummel, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

In the Report-Recommendation, dated February 3, 2015, Magistrate Judge Hummel recommends that Plaintiff's Complaint be dismissed in its entirety with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii)-(iii) for failure to state a claim upon which relief can be granted. See dkt. # 5.

Plaintiff filed timely objections to the Report-Recommendation pursuant to 28 U.S.C. § 636(b)(1). When objections to a magistrate judge's Report-Recommendation are lodged, the Court makes a "de novo determination of those portions of the report or

specified proposed findings or recommendations to which the objection is made." See 28

U.S.C. §636(b)(1). After such a review, the Court may "accept, reject, or modify, in whole

or in part, the findings or recommendations made by the magistrate judge. The judge may

also receive further evidence or recommit the matter to the magistrate judge with

instructions." Id.

Having reviewed the record de novo and having considered the issues raised in the

Plaintiff's objections, this Court has determined to accept the recommendation of

Magistrate Judge Hummel for the reasons stated in the Report-Recommendation.

It is therefore ordered that:

(1) Plaintiff's Objections, dkt. # 6 to the Report-Recommendation of Magistrate

Judge Hummel, dkt. # 5, are hereby OVERRULED;

(2) The Report-Recommendation is hereby ADOPTED;

(3) The Plaintiff's Complaint, dkt. # 1, is hereby DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

Dated: February 19, 2015

Thomas J. McKvoy
Senior, U.S. District Judge

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